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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 EDWARD COULSON,

16 Plaintiff,

17 v.

18 SOUTHERN NEVADA MOVERS,

19 Defendant.

Case No.: 2:16-cv-01989-RFB-NJK

**NOTICE OF PLAINTIFF'S FAILURE TO
COMPLY WITH THIS COURT'S
DISCOVERY ORDERS**

20 On October 24, 2016, this Court ordered the parties "to file, no later than November 1,
21 2016, either (1) a joint proposed discovery plan; (2) a motion or stipulation to stay discovery
22 addressing the pertinent standards; or (3) a joint status report otherwise explaining why the
23 parties do not believe a proposed discovery plan should be filed at this time." Plaintiff simply
24 ignored this order.

25 On November 2, 2016, this Court ordered Plaintiff "to call Defendant's counsel, Chris
26 Davis, at (702)823-3500 by November 8, 2016, to discuss a schedule for moving this case
27 forward." The Court cautioned Plaintiff "that failing to comply with this Court order and the
28 applicable rules of procedure may subject him to sanctions, up to and including dismissal of this
case." Plaintiff again ignored this order and failed to comply.

On November 10, 2016, the Court order Plaintiff "to show cause in writing, no later than
November 28, 2016, why this case should not be dismissed for Plaintiff's failure to prosecute the
case, failure to comply with Local Rule 26-1, and failure to obey the Court's orders at Docket

1 Nos. 22 and 26.” The Court again warned Plaintiff that the “[f]ailure to respond to this order by
2 November 28, 2016 will result in a recommendation that this case be dismissed.” Plaintiff, for
3 the third time, has blatantly ignored this Court’s orders and refuses to comply.

4 Accordingly, Defendant SOUTHERN NEVADA MOVERS, by and through their
5 counsels of record COHEN|JOHNSON|PARKER|EDWARDS, hereby notifies the Court that
6 Plaintiff has repeatedly failed to comply with this Court’s orders, and respectfully requests that
7 Plaintiff’s complaint be *dismissed with prejudice* as a sanction for his failure to comply, as set
8 forth in this Court’s prior orders. *See Lestari v. Darmawan*, 131 F.3d 147, 1997 WL 724547 at
9 *1 (9th Cir. 1997) (holding that a “district court did not abuse its discretion by dismissing
10 [plaintiff’s] complaint” for a “party’s failure to comply with a discovery order or participate in a
11 pretrial conference” after the district court warned “of case-dispositive sanctions”).

12 DATED the 30th day of November 2016,

13 COHEN|JOHNSON|PARKER|EDWARDS

14 By: /s/ Chris Davis

15 H. Stan Johnson, Esq.

16 Nevada Bar No. 00265

17 Chris Davis, Esq.

18 Nevada Bar No. 06616

19 255 E. Warm Spring Road, Suite 100

20 Las Vegas, Nevada 89119

21 *Attorneys for Defendant*

PROOF OF SERVICE

CASE NAME: Coulson v. Southern Nevada Movers
Court: USDC Nevada
Case No.: 2:16-cv-01989

On the date last written below, following document(s) was served as follows:

**NOTICE OF PLAINTIFF'S FAILURE TO COMPLY WITH THIS COURT'S
DISCOVERY ORDERS**

 X by placing an original or true copy thereof in a sealed envelope, with sufficient
postage affixed thereto, in the United States Mail, Las Vegas, Nevada and
addressed to:
 by using the State Court's CM/ECF Electronic Notification System addressed to:
 by electronic email addressed to :
 by personal or hand/delivery addressed to:
 By facsimile (fax) addresses to:
 by Federal Express/UPS or other overnight delivery addressed to:

Edward Coulson
4529 Townwall Street
Las Vegas, Nevada 89115
Plaintiff

DATED the 30th day of November 2016.

/s/ Sarah Gondek
An employee of Cohen|Johnson|Parker|Edwards